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OAKLAND

**CITY OF OAKLAND**



ONE FRANK H. OGAWA PLAZA 2003 5TH FLOOR 45 OAKLAND, CA 94612

Office of the City Attorney  
John A. Russo  
City Attorney

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January 6, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: *Alphonso Baker v. City of Oakland, et al***  
**United States District Court Case No. C-02-0020 VRW**  
**Our File No. 21725 – Oakland Police Department**  
**(Police Conduct)**

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from alleged civil rights violations during the arrest of the plaintiff for a total sum of Fifteen Thousand Dollars and No Cents (\$15,000.00), to be made payable to Alphonso Baker and John Burris, Esq., his attorney.

The case alleges excessive force in the course of an arrest for brandishing a knife, which occurred on November 29, 2000. Mr. Baker claims that he was kicked in the head twice. The plaintiff's position appears to be supported by the photographs of his injuries. Mr. Baker suffered an injury to his eye that required fourteen stitches.

The settlement is recommended to avoid the risk of an adverse verdict at trial and the additional exposure for attorney's fees should that occur.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO  
City Attorney

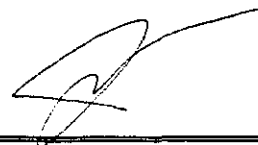
Attorney Assigned:  
Maria Bee  
315967

10.7 ce  
ORA/COUNCIL

JAN 6 2004

OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.



MXB/kj

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ALPHONSO BAKER v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C02-0020 VRW, OUR FILE NO. 21725, IN THE AMOUNT OF \$15,000.00. THIS CASE INVOLVES CLAIMS OF VIOLATIONS OF CIVIL RIGHTS AGAINST AN OAKLAND POLICE OFFICER. (OAKLAND POLICE DEPARTMENT - POLICE CONDUCT)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Alphonso Baker v. City of Oakland, et al., United States District Court Case No. C02 0020 VRW, City Attorney's File No. 21725, for a sum not to exceed a total of Fifteen Thousand Dollars and No Cents (\$15,000.00) payable by the City of Oakland to Alphonso Baker and John Burris, Esq., his attorney of record.

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

**FURTHER RESOLVED:** That the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) be paid to Alphonso Baker and John Burris, Esq., his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 200\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

315965

10.7ce  
**ORA/COUNCIL**

**JAN 6 2004**